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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,245

Applicant(s)

CHAN ET AL.

Examiner

PAUL R. FISHER

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3,6-9,11,14-17,19,22-27 and 33 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3,6-9,11,14-17,19,22-27 and 33 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. Amendment received on August 24, 2011, has been acknowledged. Claims 2, 4-5, 10, 12-13, 18, 20-21 and 28-32 have been canceled. Claims 1, 3, 6-9, 11, 14-17, 19, 22-27 and 33, as currently amended, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3, 6-8, 25 and 33 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Based upon consideration of all of the relevant factors with respect to the claims as a whole, claims 1, 3, 6-8, 25 and 33 are held to claim an abstract idea, and are therefore rejected as ineligible subject matter under 35 U.S.C.

101. The rationale for this finding is explained below:

Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to an examiner is that one clue to patent eligibility under 35 USC 101 is whether or not the process is (1) be tied to a particular machine or apparatus or (2) transforms underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

The claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or apparatus that accomplishes the method steps,

or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because there is no tie to any kind of machine for any of the claimed steps. The claim has currently been amended to remove all ties to structural elements; currently the recited limitations of claims no longer require a particular machine to carry them out. As such the claimed limitations could be carried out by a person. For example previously the claim recited "a processor determining an availability..." currently the processor has been removed from the claim and now the determination can be made with out the use of this structural component. Even the steps of receiving and storing no longer require a computer or any machine to perform them. As stated above the limitations of the claim currently are not tied to any machine particular or otherwise and as such can be carried out by a person. The claims therefore do not pass the first test of Bilski with respect to providing a tie to a particular machine.

Further, applicant's method steps fail the second prong of the test because the claimed steps do not result in an article being transformed from one state to another. There is no transformation occurring in the claims for a physical object or substance or data that represents physical objects or substances.

The claims as recited are directed toward the abstract idea of producing reserving a space for a customer. As shown above there is not a significant tie to a particular machine to show that the involvement of a machine constitutes a practical application of this concept. As stated above the applicant has amended the claims to remove all machines which were previously tied. As such the claims now allow for a person to perform these steps. Therefore as stated above the machines which are recited are merely for insignificant steps and as such do not render the claim patent eligible under 35 USC 101.

Additionally, other factors and considerations in addition to the machine/transformation test also point to a finding that the claims are directed to a mere abstract idea. The claims seem to be a mere statement of a general concept of reserving a space such as a convention space or a hotel space. The claims if allowed would appear to effectively grant a monopoly on the concept of reservations by a user. The process of defining the category, assigning a threshold value, determining which spaces fit, determining if overbooking is allowed, and overbooking the space could be performed by any currently known or future manner of reservation, or even done by human beings because no machine is recited explicitly or implied in the claims, which has been programmed to perform this step. The claims seem to be directed to a

general business concept of reservations, which seems to be just a general business concept. When viewing these factors and the claims as whole, it is concluded that the claims are directed to a mere abstract idea and are not patent eligible under 35 USC 101.

Dependent claim(s) 3, 6-8 and 25 when analyzed as a whole are held to be patent ineligible under 35 U.S.C. 101 because the additional recited limitation(s) fail(s) to establish that the claim(s) is/are not directed to an abstract idea, for the same reasoning as set forth with respect to claim 1. The dependent claims do not act to remedy the problem with claim 1 by reciting (explicitly or implied) the use of any particular machine and/or any significant transformation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3, 6-9, 11, 14-17, 19, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham et al. (US 2002/0069094) hereafter Bingham, in view of Couch et al. (4,752,876) hereafter Couch, further in view of Edward B. Fiske: "Christmas in Williamsburg" (Dec. 25, 1983) hereafter Fiske, further in view of Smith et al. (6,085,164) hereafter Smith, further in view of Walker et al. (6,112,185) hereafter Walker.**

As per claims 1, 9 and 17, Bingham discloses a method, a machine readable storage medium for providing instructions which cause the processor to perform the method (Page 3, paragraph [0025]), and a system (Figures 1, 2a, 2b, and 3; disclose a system which contains a process which runs computer instructions to perform the method) for performing the method comprising:

receiving a request to reserve (Page 1, paragraph 0008; discloses a reservation request is received from a user) a function space (resources for meetings) for use on a future date, wherein the request comprises a plurality of criteria (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface, (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410));

storing availability information for a plurality of function spaces at a plurality of properties (multiple meeting facility resources) and a set of pricing rules (Examiner interprets this as rules for determining the price of the space), (Bingham discloses received meeting facility criteria for a future date for the use of a category space including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), which are pricing rules. Page 4, paragraph [0030]; disclose that the inventory data is stored);

determining an availability of the each of the function spaces in the category on the future date, wherein the determining is based upon some or all of the availability information and one or more of the criteria (Figure 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1, paragraph 0008, page 4, paragraph 0033; discloses that the availability the inventory is checked for the future date, based on the provided criteria);

determining whether the plurality of function spaces in the category that satisfy the one or more of the criteria are available on the future date (page 4, paragraph 0033; discloses that method includes determining if the requested function space is unavailable based on one or more of the plurality of criteria. Page 5, paragraph [0036]; discloses that it is determined that a space is unavailable due to capacity issues and an alternative time is suggested where it would be available);

automatically providing a real-time price quote for the space based upon the set of pricing rules (Paragraph 0033; discloses if sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more then 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules. Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038).

receiving an acceptance of the real-time price quote from the user; and establishing a reservation for the requested function space (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037).

Bingham does not explicitly disclose an authorization level for the category, defining the category, wherein the category comprises a subset of the plurality of function spaces, the subset of function spaces comprises the function space, and each function space of the subset of function spaces has one or more similar attributes;

assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space; if none of the function spaces is available on the future date, accessing the authorization level for the category, wherein the authorization level indicates a number of overbookings that are allowed for the category on the future date; determining whether an overbooking is allowed by comparing the authorization level and a number of existing reservations for the subset of function spaces on the future date; overbooking a category space in the category, in response to the acceptance, wherein, the overbooking comprises accepting a reservation for the category space for use on the future date even though none of the function spaces in the category are currently determined to be available on the future date; subsequent to the overbooking, mapping the category space to a specific function space in the category, wherein the specific function spaces satisfies the one or more of the plurality of criteria, and wherein the specific function space becomes available for reservation due to a cancellation made subsequent to the overbooking; and if overbooking is allowed, automatically providing a real-time price quote for the function space based on the set of pricing rules and the threshold revenue value assigned to the function space.

Couch, which talks about lodging facilities and room or space reservation, teaches defining the category, wherein the category comprises a subset of the plurality of function spaces, the subset of function spaces comprises the function space, and each function space of the subset of function spaces has one or more similar attributes and mapping the category space to a specific function space in the category, wherein

the specific function space satisfies the one or more of the plurality of criteria, and converting, after the mapping the reservation for the category space to a reservation for the specific function space (Col. 5, lines 39-55; teaches that it is known to map a room type or category space to a specific function space. In this case the customer confirms the type of reservation they wish to have or the room type and then the system looks for a room of that type which fits the criteria of the reservation. After the system finds an appropriate room the system converts the reservation of a type to a specific reservation linking the customer to that specific room. It would have been obvious to perform the same task in Bingham where the customer asks for a room or space of a specific type and the system then later maps the request to a specific room and then converts the request of a type to a reservation of a specific room as shown in Couch, this would avoid having to change the reservation during the type between the request and the check-in and would assure the reservation is for a room that is available at check-in as shown in Couch).

Therefore, from this teaching of Couch, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham, with the mapping of a room or category type to a specific room or space and converting the request for a type to a reservation of a specific room or space as shown in Couch, for the purpose of avoid having to change the reservation during the type between the request and the check-in and would assure the reservation is for a room that is available at check-in as shown in Couch.

The combination fails to explicitly disclose an authorization level for the category; assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space; if none of the function spaces is available on the future date, accessing the authorization level for the category, wherein the authorization level indicates a number of overbookings that are allowed for the category on the future date; determining whether an overbooking is allowed by comparing the authorization level and a number of existing reservations for the subset of function spaces on the future date; overbooking a category space in the category, in response to the acceptance, wherein, the overbooking comprises accepting a reservation for the category space for use on the future date even though none of the function spaces in the category are currently determined to be available on the future date; subsequent to the overbooking, and wherein the specific function space becomes available for reservation due to a cancellation made subsequent to the overbooking; and if overbooking is allowed, automatically providing a real-time price quote for the function space based on the set of pricing rules and the threshold revenue value assigned to the function space.

Fiske, which talks about hotels reserving space in advance, teaches that guests can be placed on a waiting list so if a desired space becomes available due to another guest canceling they will be asked to fill the spot, thus that spaces become available upon cancellation (Page 1, paragraph 2, lines 24-28; disclose that the hotel has reservations made for a particular spot in a hotel made during a particular and when

they are full they keep an active waiting list to help them ensure the profit they expected and the customers with the space they desired. From this it would have been obvious to allow guests to request room types which are already taken and allow them to take the reservation upon the cancellation of another guest).

Therefore, from this teaching of Fiske, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham and Couch, with the use of waiting lists taught by Fiske, for the purpose of providing flexible customers a chance to get their desired spot and to also ensure that the business makes the profit they are expecting so there is not lost revenue.

The combination fails to explicitly disclose an authorization level for the category; assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space; if none of the function spaces is available on the future data, accessing the authorization level for the category, wherein the authorization level indicates a number of overbookings that are allowed for the category on the future date; determining whether an overbooking is allowed by comparing the authorization level and a number of existing reservations for the subset of function spaces on the future date; overbooking a category space in the category, in response to the acceptance, wherein, the overbooking comprises accepting a reservation for the category space for use on the future date even though none of the function spaces in the category are currently determined to be available on the future date; subsequent to

the overbooking; and if overbooking is allowed, automatically providing a real-time price quote for the function space based on the set of pricing rules and the threshold revenue value assigned to the function space.

Smith, which talks about the maximizing the sale of inventory resource to a customer, teaches it is known to have an authorization level for the category (Col. 5, lines 34-42, Col. 6, line 66 through Col. 7, line 43; teach that it is know to assign a authorization level or limit to the overbooking of types of reservations),

If none of the function spaces is available on the future date, accessing the authorization level for the category, wherein the authorization level indicates a number of overbookings that are allowed for the category on the future date (Col. 5, lines 34-42, Col. 6, line 66 through Col. 7, line 43; teach that each reservation is checked for an authorization limit to determine if a overbooking is allowed and this authorization limit indicates the number of overbookings that are allowed for a category or type of reservation);

determining whether an overbooking is allowed by comparing the authorization level and a number of existing reservations for the subset of function spaces on the future date (Col. 5, lines 34-42, Col. 6, line 66 through Col. 7, line 43 and Col. 5, line 43 through Col. 6, lines 7; teach that pricing is evaluated and re-evaluated for every reservation and this is done for overbooking based on if the overbooking is allowed what is available, what has been canceled for that type of reservation for that date);

overbooking a category space in the category, in response to the acceptance, wherein, the overbooking comprises accepting a reservation for the category space for

use on the future date even though none of the function spaces in the category are currently determined to be available on the future date (Col. 5, lines 34-42, Col. 6, line 66 through Col. 7, line 43; teach that reservation types are accepted for inventory which has already been reserved on a future date, thus overbooking takes place. It would have been obvious to modify the combination of Bingham and Couch with the teachings of Fiske and Smith, to over book the rooms or spaces, based on the historical data shown in Smith. This is done since historically these spaces have a percentage of cancelations and thus could potentially result in lost revenue. It would have been obvious to perform overbooking for the reasons set forth in Smith, which is to maximize the revenue of the inventory; by over booking the system ensures that the inventory will be used thus the profit will be made for those future dates. This ensures that the rooms or spaces shown in Bingham and Couch will be used if possible and the rooms won't be left vacant, thus making as much revenue as possible);

Therefore, from this teaching of Smith, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham, Couch and Fiske, with the overbooking techniques taught by Smith, for the purpose of assuring maximum revenue of the available inventory as shown in Smith. The goal is to maximize the revenue which is generated but the inventory of the system. Therefore, it would have been obvious to perform overbooking for the reasons set forth in Smith, which is to maximize the revenue of the inventory; by over booking the system assures that the inventory will be used thus the profit will be made for those future dates. This ensures that the rooms or spaces shown in Bingham

and Couch will be used if possible and the rooms won't be left vacant, thus making as much revenue as possible.

The combination fails to explicitly disclose assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space; providing a price quote for the function space based the threshold revenue value assigned to the function space.

Walker, which talks about reservations, teaches it is known to assign a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space, and providing a price quote for the function space based the threshold revenue value assigned to the function space (Col. 3, lines 48-59, Col. 3, line 65 through Col. 4, line 14 and Col. 6, lines 18-41 and Col. 6, line 58 through Col. 7, line 20; teaches that it is known for a seller to assign a threshold or minimum amount of revenue they will accept for a reservation, and that it is known to reject offers which do not meet this minimum requirement. Therefore, when combined with the pricing of Bingham, it would have been obvious to give the pricing quote based on both the pricing rules and a minimum value, therefore if the pricing rules allow for a price under the minimum value the offer is still rejected as taught in Walker. This would assure the seller that they are getting at least the minimum price they have set up for a reservation).

Therefore, from this teaching of Walker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham, Couch, Fiske and Smith, with minimum pricing as taught by Walker, for the purpose of preventing pricing a reservation below a sellers minimum price for that reservation. By doing this the system can accept the highest offers or prices while still exceeding the sellers minimum price. This would assure the seller that will make at least the minimum on each reservation.

As per claims 3, 11 and 19, the combination of Bingham, Couch, Fiske, Smith and Walker teaches a method, medium and system; Bingham further discloses wherein the plurality of properties are individual hotels of a hotel chain (Figures 11 and 12; disclose hotels and their rating).

As per claims 6, 14 and 22, the combination of Bingham, Couch, Fiske, Smith and Walker teaches a method, medium and system; Bingham further discloses further comprising receiving a rejection of the real-time price from the user; and providing a set of alternatives to one or more of the plurality of criteria in real-time, in response to the receiving the rejection, wherein the set of alternatives are available on the future date (Figures 4 and 5, Figure 11 alternatives are presented with different prices. Page 4, paragraph [0033]; discloses that the user is presented real-time price, at which point they can reject it by choosing to modify the reservation. From this it would have been obvious that the user rejects the initial offer and is then presented a set of alternatives to modify the reservation).

As per claims 7, 15 and 23, the combination of Bingham, Couch, Fiske, Smith and Walker teaches a method, medium and system; Bingham further discloses maximizing revenue generated by defining the using one or more related criteria of the plurality of criteria (Figures 4 and 5, pages 1, paragraph 0008; discloses that the price is defined based on a plurality of criteria).

selecting one or more of the pricing rules for use in the automatically providing the real-time price quote (Paragraph 0033; discloses if sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more then 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules. Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038. This shows that the pricing rules are selected based on the user profile).

Couch teaches defining categories (Col. 5, lines 39-55; teaches that it is known to map a room type or category space to a specific function space. In this case the customer confirms the type of reservation they wish to have or the room type and then the system looks for a room of that type which fits the criteria of the reservation. After the system finds an appropriate room the system converts the reservation of a type to a specific reservation linking the customer to that specific room. It would have been obvious to perform the same task in Bingham where the customer asks for a room or space of a specific type and the system then later maps the request to a specific room and then converts the request of a type to a reservation of a specific room as shown in Couch, this would avoid having to change the reservation during the type between the request and the check-in and would assure the reservation is for a room that is available at check-in as shown in Couch).

Smith teaches the concept of overbooking (Col. 5, lines 34-42, Col. 6, line 66 through Col. 7, line 43 and Col. 5, line 43 through Col. 6, lines 7; teach that pricing is evaluated and re-evaluated for every reservation and this is done for overbooking based on if the overbooking is allowed what is available, what has been canceled for that type of reservation for that date).

As per claims 8, 16 and 24, the combination of Bingham, Couch, Fiske, Smith and Walker teaches a method, medium and system; Bingham further discloses wherein the category related criteria include one or more criterion selected from the group consisting of attendance (Figure 7 (706), event type (customer type Figure 4)(page 4,

paragraph 0033), setup styles (Figure 9 (906)(Setup Classroom) and area (Figure 7 (708)(Figures 7-14).

As per claims 25-27, the combination of Bingham, Couch, Fiske, Smith and Walker teaches a method, medium and system, Bingham discloses wherein the criteria includes selected from a group of criteria consisting of date (Figure 4), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event – Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources [0029] and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) [0033], the request including a plurality of criteria, ([0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and [0029] meeting facility criteria are received (block 404) from the user via a graphical interface), [0030] a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the retrieved reservation rule [0033] a price for the

defined meeting package is generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) [0038] a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410).

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham et al. (US 2002/0069094) hereafter Bingham, in view of Couch et al. (4,752,876) hereafter Couch, further in view of Walker et al. (6,112,185) hereafter Walker.

As per claim 33, Bingham discloses a method comprising:

receiving a request for a function space (resources for meetings) in a particular category (Page 1, paragraph 0008; discloses a reservation request is received from a user),

wherein the request comprises a plurality of criteria, the plurality of criteria (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules) comprises a ranking of facility quality (Figure 11; discloses that the information includes rankings);

storing availability information for a plurality of function spaces in a common reservation table, wherein the common reservation table concurrently stores information

related to an inventory of the plurality of function spaces, each of the plurality of function spaces is a specific space located at one of a plurality of properties, and storing a set of pricing rules, (Examiner interprets this as rules for determining the price of the space), wherein the pricing rules comprise rules for pricing based on a time of year (Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), the request comprising a plurality of criteria, (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404),

(410); criteria consisting of date (Figure 7), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034], page 5, paragraph [0038]; discloses the user can adjust the time as well since the price is based on the time, this would be adjusting the price as per that time of year (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event. Page 4, paragraph [0030]; disclose that the inventory data is stored).

determining an availability of the each of the plurality of function spaces, wherein the determining is based upon some or all of the availability information and one or more of the plurality of criteria, said determining is contingent on the threshold revenue value assigned to the function space, the threshold revenue value comprises an expected food and drink revenue associated with the request, and revenue derived from an expected number of sleeping rooms rentals associated with the request, and the threshold revenue value is determined based on a day part for which the function space is requested (Figure 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1, paragraph 0008, page 4, paragraph 0033. Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved

customer profile (block 516) (paragraph 0033), the request comprising a plurality of criteria, (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Figure 4 (404), (410); criteria consisting of date (Figure 7), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49]. For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event. Page 4, paragraph [0031]; discloses that the quota is based on a percentage of guess rooms occupied during the event. Page 4, paragraph [0035] and page 5, paragraph [0036]; disclose the

planner also ensures that event takes place at an available time or part of the day which the space is requested and if the space is not available then an optimal time when it is available is suggested);

automatically providing a real-time price quote for the request based on the set of pricing rules (Paragraph 0033; discloses if sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more then 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules. Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038).

wherein in response to having determined that a requested function space satisfying the plurality of criteria is unavailable, an alternative to the request function space is presented, the alternative is selected as a closest approximation to the request, the alternative is selected based on being fully available, the pricing rules

comprise general pricing rules, and property-specific pricing rules, and the real-time price quote includes a pricing discount based on an attendance of the event, profit for one or more expected guest room rentals, and an expected profit on food and drink sales (Paragraph 0033; discloses if sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more than 7 nights and get 10% off; Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph 0008) the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time (Page 1, paragraph 0008) a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules. Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038. Page 5, paragraph [0036]; discloses that it is determined that a space is unavailable due to capacity issues and an alternative time is suggested where it would be available this alternative would be for the optimal time, from this it is clear it is the closest approximation to the original request);

in response to an user rejecting the real time price quote, presenting a the alternative (Figures 4 and 5, Figure 11 alternatives are presented with different prices.

Page 4, paragraph [0033]; discloses that the user can reject and modify the request. From this it would have been obvious that the user rejects the initial offer and is then presented a set of alternatives to modify the reservation);

receiving an acceptance of the real-time price quote from a user (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037).

establishing a reservation for one of the category spaces allocated for a length of time including a setup period and teardown period, the length of time is determined in response to a selected setup style and the attendance (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037. Page 5, paragraph 0039; discloses that there is both a setup style and attendance with a certain dollar value associated with the food and beverages in conjunction with a reservation and there is also a tear down and setup time included in the "cutoff" days when another event can be planned in the same room or area).

Bingham fails to explicitly disclose wherein the plurality of function spaces is represented by a corresponding plurality of category spaces, and wherein each of the category spaces represents a non-specific unit of function space in the particular category, each of the non-specific units of function space in the particular category has one or more similar attributes, defining the particular category, assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function spaces; providing a price quote based on the threshold revenue value assigned to the function space and converting the reservation for the one of the

category spaces to a reservation for one of the function spaces in the particular category.

Couch, which talks about lodging facilities and room or space reservation, teaches wherein the plurality of function spaces is represented by a corresponding plurality of category spaces, and wherein each of the category spaces represents a non-specific unit of function space in the particular category each of the non-specific units of function space in the particular category has one or more similar attributes, defining the particular category and converting the reservation for the one of the category spaces to a reservation for one of the function spaces in the particular category (Col. 5, lines 39-55; teaches that it is known to map a room type or category space to a specific function space. The room type categories the spaces based on similar attributes. In this case the customer confirms the type of reservation they wish to have or the room type and then the system looks for a room of that type which fits the criteria of the reservation. After the system finds an appropriate room the system converts the reservation of a type to a specific reservation linking the customer to that specific room. It would have been obvious to perform the same task in Bingham where the customer asks for a room or space of a specific type and the system then later maps the request to a specific room and then converts the request of a type to a reservation of a specific room as shown in Couch, this would avoid having to change the reservation during the type between the request and the check-in and would assure the reservation is for a room that is available at check-in as shown in Couch).

Therefore, from this teaching of Couch, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham, with the mapping of a room or category type to a specific room or space and converting the request for a type to a reservation of a specific room or space as shown in Couch, for the purpose of avoid having to change the reservation during the type between the request and the check-in and would assure the reservation is for a room that is available at check-in as shown in Couch.

The combination fails to explicitly disclose assigning a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space; providing a price quote for the function space based the threshold revenue value assigned to the function space.

Walker, which talks about reservations, teaches it is known to assign a threshold revenue value for the each of the plurality of function spaces, wherein each of the threshold revenue values identifies a minimum amount of revenue required to allow use of the function space, and providing a price quote for the function space based the threshold revenue value assigned to the function space (Col. 3, lines 48-59, Col. 3, line 65 through Col. 4, line 14 and Col. 6, lines 18-41 and Col. 6, line 58 through Col. 7, line 20; teaches that it is known for a seller to assign a threshold or minimum amount of revenue they will accept for a reservation, and that it is known to reject offers which do not meet this minimum requirement. Therefore, when combined with the pricing of Bingham, it would have been obvious to give the pricing quote based on both the pricing

rules and a minimum value, therefore if the pricing rules allow for a price under the minimum value the offer is still rejected as taught in Walker. Since Bingham already shows revenue derived from food and drink as well as sleeping room rentals it would have been obvious to combine this threshold with a minimum for the function space as well to assure the seller that they are getting at least the minimum price they have set up for a reservation).

Therefore, from this teaching of Walker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reservation system provided by Bingham and Couch, with minimum pricing as taught by Walker, for the purpose of preventing pricing a reservation below a seller's minimum price for that reservation. By doing this the system can accept the highest offers or prices while still exceeding the sellers minimum price. This would assure the seller that will make at least the minimum on each reservation.

Response to Arguments

7. Applicant's arguments filed August 24, 2011 have been fully considered but they are not persuasive.
8. Applicant's arguments with respect to claims 1, 3, 6-9, 11, 14-17, 19, 22-27 and 33 have been considered but are moot in view of the new ground(s) of rejection. Specifically the applicant has argued the newly recited limitations regarding the "threshold revenue value", a new reference Walker was used to address these new features. Therefore the arguments are considered to be moot.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [8am/4:30pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. R. F./
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/Dennis Ruhl/
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